



ATTORNEY DOCKET NO. 01123.0004

APPLICANT OR PATENTEE: Donald H. Rubin, Edward L. Organ and Raymond N. Dubois  
FOR: "MAMMALIAN GENES INVOLVED IN VIRAL  
INFECTION AND TUMOR SUPPRESSION"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: VANDERBILT UNIVERSITY  
ADDRESS OF ORGANIZATION: Office of Technology Transfer  
1207 17<sup>th</sup> Ave. S., Suite 210  
Nashville, TN 37212

**TYPE OF ORGANIZATION:**

- ☒ University or other institution of higher education  
(Name of state: Tennessee )  
(Citation of statute: \_\_\_\_\_ )
- ☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- ☐ Non-profit scientific or educational under statute of state of the United States of America  
(Name of state \_\_\_\_\_ )  
(Citation of statute \_\_\_\_\_ )
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if it were located in The United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if it were located in The United States of America  
(Name of state \_\_\_\_\_ )  
(Citation of statute \_\_\_\_\_ )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION" by inventor(s) Donald H. Rubin, Edward L. Organ and Raymond N. Dubois filed concurrently herewith.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR

1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Avatar Biosci, Inc.

ADDRESS 1937 Edenbridge Way  
Nashville, TN 37215

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

JANIS ELSNER

TITLE IN ORGANIZATION:

ASSOC. DIRECTOR

ADDRESS OF PERSON SIGNING:

Vanderbilt University  
Office of Technology Transfer  
1207 17<sup>th</sup> Ave. S., Suite 210  
Nashville, TN 37212

SIGNATURE:

Janis Elsner

DATE: Mar 29, 2000



Applicant or Patentee: Donald H. Rubin, Edward L. Organ and Raymond N. Dubois

For: "MAMMALIAN GENES INVOLVED IN VIRAL  
INFECTION AND TUMOR SUPPRESSION"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the  
concern identified below:

NAME OF CONCERN: Avatar Biosci, Inc.  
ADDRESS OF CONCERN: 1937 Edenbridge Way  
Nashville, TN 37215

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION" by inventor(s) Donald H. Rubin, Edward L. Organ and Raymond N. Dubois described in the specification filed concurrently herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: VANDERBILT UNIVERSITY

ADDRESS: Office of Technology Transfer  
1207 17<sup>th</sup> Ave. S., Suite 210  
Nashville, TN 37212

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Donald H. Rubin MD

TITLE IN ORGANIZATION:

President

ADDRESS OF PERSON SIGNING:

Avatar Biosci, Inc.  
1937 Edenbridge Way  
Nashville, TN 37215

SIGNATURE

Donald H. Rubin

DATE 3.28.00